

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Spencer Bagwell,)	
)	C/A No. 8:06-cv-02272-GRA
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	(Written Opinion)
Fafard, Inc.,)	
)	
Defendant.)	
_____)	

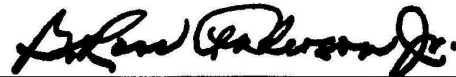
This matter comes before the Court on Defendant's Itemized Statement of Expenses. On February 15, 2007, this Court issued an Order granting Defendant's Motion to Compel and assessing costs and fees against Plaintiff as a sanction for failing to comply with discovery requests. Pursuant to this Order, Defendant provided the Court with an itemized statement of expenses incurred based on Plaintiff's non-compliance. Plaintiff did not file any objections to the submitted costs.

Under Fed. R. Civ. P. 37(a)(4)(A), the Court "shall require the party . . . whose conduct necessitated the motion [to compel] . . . to pay to the moving party the *reasonable* expenses incurred in making the motion. . . unless other circumstances make an award of expenses unjust." After reviewing the Statement of Expenses, this Court finds the costs incurred in this action are somewhat excessive and unreasonable. Therefore, the Court, in its discretion, declines to award the full costs in this matter

and instead awards Defendant fifty (50) percent of the costs as submitted. Based on the Court's findings, Defendant's costs are reduced to \$592.50.

IT IS THEREFORE ORDERED that Defendant recover \$592.50 in costs from Plaintiff.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", is written over a horizontal line.

G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

April 17, 2007

Anderson, South Carolina